

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TRACY M. FINLAN,)
vs.) 4:05cv3127
Plaintiffs,) ORDER TO SHOW CAUSE
vs.)
DAN DANAHER , et al.,)
Defendants.)

This matter is before the court sua sponte. It appears to the court that this case has been abandoned, as the plaintiff has failed to notify the court of his current address, and the court has learned that the plaintiff was released, approximately five (5) months ago, from the custody of the Nebraska Department of Correctional Services ("DCS") where he was incarcerated when he filed this action. The plaintiff has a continuing obligation to keep the court informed of his current address at all times while his case is pending, as he was informed in filing no. 48 (the Progression Order), filing no. 35 (the Memorandum and Order granting the plaintiff copies and denying in part the defendants' Motion to Dismiss), in filing no. 14 (the Order on Initial Review), and in filing no. 6 (the Prisoner Payment Order).

Therefore, the Clerk of Court shall send this Order to Show Cause to the plaintiff at his last known address in the court's records. By April 30, 2007, the plaintiff shall file a response to this Order to Show Cause in writing stating why this case should not be dismissed, without prejudice, for lack of prosecution.¹ In the absence of a timely and sufficient response to this Order to Show Cause, the above-entitled case may be subject, without further notice, to dismissal without prejudice.

SO ORDERED.

DATED this 17th day of April, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge

¹See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."